

Message Text

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ACTION DLOS-07

INFO OCT-01 EUR-25 EA-11 IO-14 ISO-00 CG-00 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SP-03 SS-20 USIA-15 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 FEA-02 ACDA-19

AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01

OIC-04 TRSE-00 DRC-01 /231 W
----- 110628

R 101850Z MAY 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 0263

INFO AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 05867

E.O. 11652: GDS

TAGS: PBOR

SUBJECT: LOS: GROUP OF FIVE HEADS OF DELEGATION MEETING;
CONSULTATIONS MAY 8

1. BEGIN SUMMARY. GROUP OF FIVE REVIEWED SCIENTIFIC
RESEARCH, RULES OF PROCEDURE AND DISPUTE SETTLEMENT.
END SUMMARY

2. MARINE SCIENTIFIC RESEARCH DISCUSSION CONCENTRATED
ON U.S. PROPOSALS, SPECIFICALLY ON WHETHER CONSENT
REGIME FOR CONTINENTAL SHELF RESEARCH SHOULD CONTINUE TO
APPLY. ALL MEMBERS OF GROUP EXPRESSED STRONG SUPPORT
FOR CONCEPT OF FREEDOM OF SCIENTIFIC RESEARCH. FRANCE
(ROUX), UK (ARCHER) AND USSR (MOVCHAN) FELT IT WOULD NOT
BE POSSIBLE TO MODIFY EXISTING CONSENT REGIME FOR CON-
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TINENTAL SHELF. JAPAN (IGUCHI) SAID THAT THERE WAS

CERTAIN EVOLUTION IN GOJ THINKING TOWARD U.S. POSITION. HE STATED GOJ PREFERRED U.S. NOTIFICATION PROPOSAL RATHER THAN CONSENT REGIME OF CONTINENTAL SHELF CONVENTION. THERE WAS DISCUSSION OF WHETHER IT WAS POSSIBLE TO DISTINGUISH BETWEEN PURE AND COMMERCIAL RESEARCH. U.S. (MOORE) URGED THAT GROUP NOT TRY TO MAKE THIS DISTINCTION BUT CONCENTRATE ON OBLIGATIONS OF RESEARCHER. THERE WAS GENERAL AGREEMENT THAT SCIENTIFIC RESEARCH ISSUE BE KEPT OUT OF COMMITTEES ONE AND TWO. MOORE INDICATED U.S. WOULD TAKE STRONG POSITION ON SCIENTIFIC RESEARCH ISSUE. USSR AGREED TO DO LIKEWISE.

3. USSR (MOVCHAN) INDICATED USSR WOULD CONSIDER NOTIFICATION REQUIREMENT FOR RESEARCH IN WATER COLUMN PROVIDED IT WAS PART OF SATISFACTORY PACKAGE. HE WOULD NOT WANT TO AGREE TO NOTIFICATION EARLY IN CARACAS NEGOTIATIONS. UK (ARCHER) SAID HIS GOV. HAD NOT YET DECIDED ON NOTIFICATION REQUIREMENT BUT WOULD GIVE IT SERIOUS CONSIDERATION.

4. UK (ARCHER) STRESSED UK ATTACHES GREAT IMPORTANCE TO PRESERVING EXISTING RESOURCES RIGHTS TO SHELF PROVIDED IN CONTINENTAL SHELF CONVENTION AND IS SERIOUSLY CONCERNED WITH REOPENING CONVENTION FOR FEAR ACQUIRED RIGHTS MIGHT BE LOST. US (MOORE) ARGUED THAT UK INTERESTS IN SHELF RESOURCES WOULD NOT BE JEOPARDIZED.

5. ARCHER SUGGESTED POSSIBILITY OF CONSENT REQUIREMENT BUT MODIFIED BY FIXED TIME PERIOD AFTER WHICH CONSENT COULD BE ASSUMED. MOORE STATED THIS WOULD BE IMPROVEMENT BUT WOULD NOT GO FAR ENOUGH.

6. RULES OF PROCEDURE. U.S. (STEVENS) PROPOSED AMENDMENT TO UK PROPOSED RULE 37 WHICH WOULD REQUIRE A DETERMINATION BY TWO-THIRDS MAJORITY THAT ALL EFFORTS AT CONSENSUS HAD BEEN EXHAUSTED. US PROPOSAL SUPPORTED BY USSR. JACKLING ARGUED IT WOULD MAKE ACCEPTANCE OF UK VERSION MORE DIFFICULT. FRANCE (JEANNEL) PREFERRED TO

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C O N F I D E N T I A L SECTION 02 OF 02 LONDON 05867

HAVE PRINCIPLE REFLECTED IN RESOLUTION RATHER THAN IN
RULE OF PROCEDURE. JEANNEL EXPRESSED VIEW THAT BEST
ACHIEVABLE RESULT WOULD BE FOR RULES OF PROCEDURE TO
REMAIN UNCHANGED ON GROUNDS SIGNIFICANT VARIATION FROM
STANDARD RULES PROBABLY UNATTAINABLE. ROMANOV ARGUED
FOR QUALIFIED, TWO-THIRDS MAJORITY IN VOTING PROCEDURE.
JACKLING MADE CLEAR UK WILL PARTICIPATE IN CONFERENCE
EVEN IF RULES UNSATISFACTORY. ROMANOV STATED THREAT TO
LEAVE CONFERENCE WOULD BE TAKEN AS EFFORT TO BLOC CON-
FERENCE WILL FAIL TO REACH AGREEMENT ACCEPTABLE TO MAJOR
POWERS IF RULES NOT ADEQUATE. THERE WAS GENERAL AGREE-
MENT THAT PARTICIPATION IN CARACAS SESSION DID NOT CON-
STITUTE COMMITMENT TO PARTICIPATE IN VIENNA.

7. DISPUTE SETTLEMENT. THERE WAS GENERAL AGREEMENT THAT
THERE SHOULD BE DISPUTE SETTLEMENT PROCEDURE. (JEANNEL)
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STATED FRANCE STILL FLEXIBLE AND US PROPOSALS MAY BE GOOD
BASIS FOR SETTLEMENT. JACKLING SAID UK NOT YET DECIDED

BUT WAS LEANING TOWARD FUNCTIONAL APPROACH WITH DIFFERENT
DISPUTE SETTLEMENT ORGANS FOR DIFFERENT FUNCTIONS AND
WITH SOME ROLE FOR ICJ. ROMANOV SAID USSR AGREED TO
DISPUTE SETTLEMENT FOR FISHERIES BUT S NOT SUPE APOUT
OTHER AREAS, ALTHOUGH IT CLEAR USSR COULD NOT AGREE THAT
ALL PORTIONS OF TREATY BE SUBJECT TO DISPUTE SETTLEMENT.
HE SAID HE HOPES TO HAVE INSTRUCTIONS AT CARACAS WHICH ..
WOULD PERMIT USSR DELEGATION NOT TO OBJECT TO SEABEDS
TRIBUNAL. IN RESPONSE TO STEVENSON'S INQUIRY AS TO WHY
NOT ACCEPT DISPUTE SETTLEMENT FOR MINERAL AS WELL AS
FISHERIES RESOURCES IN COSTAL AREAS, HE SAID THIS GOOD
POINT AND WOULD CONSIDER IT SERIOUSLY. ROMANOV PROPOSED
THAT DISPUTE SETTLEMENT MACHINERY BE SEPARATED INTO DIS-
CREET UNITS SO THAT NO SINGLE ELEMENT WOULD THREATEN
NATIONAL SOVEREIGNTY. OGISO SAID HE WAS ATTRACTED TO
FUNCTIONAL APPROACH WITH ROLE FOR ICJ.
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